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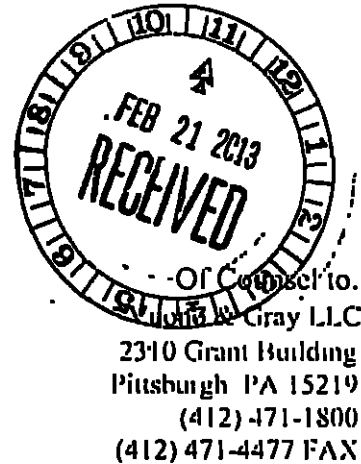
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February 14, 2013

Cynthia T. Brown, Chief
Section of Administration
Surface Transportation Board
395 E. Street, SW
Washington, DC 20024

ENTERED
Office of Proceedings
FEB 21 2013
Part of
Public Record

Re: Allegheny Valley Railroad Company's Petition for Declaratory Order - The Buncher Company, STB Finance Docket No. 35239

Dear Ms. Brown:

Over the last several months, Allegheny Valley Railroad Company ("AVR") has attempted to keep the Surface Transportation Board informed regarding developments in the City of Pittsburgh concerning the above captioned proceeding. Both the Buncher Company and the City of Pittsburgh have continued to pursue plans to redevelop the Buncher properties between 16th and 21st Street disregarding AVR's permanent rail easement between those streets. The Buncher Company has submitted redevelopment plans to the City of Pittsburgh and has sought and obtained enactment of a special zoning district ordinance which precludes the use of AVR's permanent rail easement. Last week, Buncher entered into an agreement with the Pittsburgh Water and Sewer Authority to construct sewer and water lines as part of its development in the Strip District. AVR's permanent rail easement affords AVR the option of utilizing its easement to tunnel under ground to connect with transit or other rail facilities that may be constructed to serve downtown Pittsburgh and thus requires coordination of any subsurface occupancies within AVR's permanent rail easement.

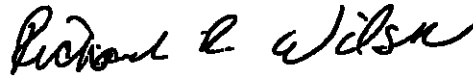
Finally, despite AVR's repeated efforts to resolve this pending litigation, the Buncher Company has refused to discuss a mutually acceptable resolution of these matters. Accordingly, AVR joins the Buncher Company in requesting that the Surface Transportation Board render a prompt decision in this proceeding on remand.

Cynthia T Brown
February 14, 2013
Page 2

Thank you for your consideration of this request

Very truly yours,

RICHARD R WILSON, P C

A handwritten signature in black ink that reads "Richard R. Wilson". The signature is written in a cursive, flowing style.

Richard R. Wilson, Esq
Attorney for Allegheny Valley Railroad Company

RRW/bab

xc: Joseph F. McDonough, Esq
Allegheny Valley Railroad Company
Pittsburgh Water and Sewer Authority
Mark F. Nowak, Esq.